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February 21, 2007

**VIA HAND DELIVERY**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals II  
445 - 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

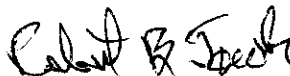
**FILED/ACCEPTED**  
**FEB 21 2007**  
Federal Communications Commission  
Office of the Secretary

In re: Multiple Ownership of Radio Broadcast Stations in Local Markets (MB  
Docket No. 06-121, et al.)

Dear Ms. Dortch

On behalf of Mt. Wilson FM Broadcasters, Inc., licensee of stations KMZT-FM, Los Angeles, California and KKGO(AM), Beverly Hills, California, there are herewith transmitted an original and nine copies of the licensee's "Petition to File Second Supplement to Reply Comments and Second Supplement."

Yours very truly



Robert B. Jacobi

Enclosures

No. of Copies rec'd 0 + 9  
List A B C D E

FILED/ACCEPTED

FEB 21 2007

Federal Communications Commission  
Office of the Secretary

BEFORE THE

# Federal Communications Commission

In the Matter of	)	
2006 Quadrennial Regulatory Review –	)	
Review of the Commission’s Broadcast	)	MB Docket No. 06-121
Ownership Rules and Other Rules Adopted	)	
Pursuant to Section 202 of the	)	
Telecommunications Act of 1996	)	
2002 Biennial Regulatory Review – Review	)	MB Docket No. 02-277
of the Commission’s Broadcast Ownership	)	
Rules and Other Rules Adopted Pursuant	)	
to Section 202 of the Telecommunications	)	
Act of 1996	)	
Cross-Ownership of Broadcast Stations and	)	MM Docket No. 01-235
Newspapers	)	
Rules and Policies Concerning Multiple	)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations	)	
in Local Markets	)	
Definition of Radio Markets	)	MM Docket No. 00-244

## **PETITION TO FILE SECOND SUPPLEMENT TO REPLY COMMENTS AND SECOND SUPPLEMENT**

Mt. Wilson FM Broadcasters, Inc. (hereinafter “Mt. Wilson”) filed Reply Comments to the Clear Channel Communications, Inc. (hereinafter, “Clear Channel”) Comments on January 16, 2007. Subsequently, on February 2, 2007, Mt. Wilson filed a “Petition to file Supplement to Reply Comments and Supplement.” The singular purpose of the “Supplement” was to bring to the Commission’s attention the relevant fact that Clear Channel controls and operates four XM satellite commercial music stations – information ascertained from the February 1, 2007 issue of the Detroit News.

On February 15, 2007, Saul Levine, President of Mt. Wilson, was told by a former Clear Channel employee (a person with firsthand knowledge of the Clear Channel arrangement with XM) that Clear Channel controls and operates a total of nine XM commercial satellite channels – four music channels, three talk channels, one Fox sports channel and one “truckers” channel.<sup>1</sup> The nine XM commercial satellite channels are in addition to the eight analog stations, five HD-2 digital stations and outdoor advertising – all located in the Los Angeles radio market.

Clear Channel, the primary proponent of increasing the caps for radio ownership in order to be more competitive with satellite radio, neglected to mention its control of satellite radio channels. The ramifications of Clear Channel controlling such satellite radio facilities accurately reflects a) the extent of radio facilities controlled by Clear Channel in the Los Angeles radio market (as well as in other markets served by XM radio);<sup>2</sup> b) the fact that Clear Channel controls radio outlets far in excess of the existing caps; and c) that such numerical/economic dominance adversely affects competition by allowing Clear Channel to provide additional choices to advertisers (part and parcel of the “packages” offered to advertisers). Indeed, the ramifications are specifically relevant to the issues raised by the Further Notice.

The relevant facts pertaining to Clear Channel’s control of XM satellite channels were not revealed in the Clear Channel Comments or Reply Comments. The source for Clear Channel’s control of four music channels was the Detroit News; the source for the

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<sup>1</sup> A “truckers” channel provides talk, traffic, road conditions, weather, etc.

<sup>2</sup> The Clear Channel satellite channels obviously are available in all markets served by XM satellite radio.

information concerning the additional five XM channels was a former Clear Channel employee. Considering the fact that Clear Channel did not reveal the information, that such information was not readily available and that such information is most relevant to issues raised in the Further Notice, good cause exists for the filing of the Second Supplement.

Respectfully submitted

MT. WILSON FM BROADCASTERS, INC.

By:   
Robert B. Jacobi  
Cohn and Marks LLP  
1920 N Street, N.W.  
Suite 300  
Washington, DC 20036  
(202) 239-3860


Its Attorneys

Dated: February 20, 2007

I, Saul Levine, being first duly sworn, depose and say as follows:

1. I am the President of Mount Wilson FM Broadcasters, Inc.;
2. I had a conversation with a former Clear Channel employee with firsthand knowledge of Clear Channel's XM satellite operation on Thursday, February 15, 2007, and was told that Clear Channel controlled and operated nine commercial XM satellite channels;
3. The information recited in the "Petition to file Second Supplement to Reply Comments and Second Supplement" is true and correct to the best of my knowledge".

Dated: February 16, 2007 at Los Angeles, Ca.

  
Saul Levine / President